

REMARKS

Status of Claims:

Claims 1-21 have been canceled and new claims 22-42 have been added.

Prior Art Rejection:

Claims 1-4 and 9-12 stand rejected under 35 U.S.C. § 102 as anticipated by Hori.
Claims 5-8 and 13-21 stand rejected under 35 U.S.C. § 103 as obvious over Hori in view of Delp.

The examiner's rejections are respectfully traversed.

Applicant has replaced the original claims 1-21 with new claims 22-42. Newly submitted claim 22, for example, recites:

22. (New) An image retrieving apparatus of retrieving an image similar to a predetermined query image out of subject motion videos for retrieval, comprising:

means for calculating a similarity between a frame image of subject motion videos for retrieval and a query image:

means for grouping frame images of subject motion videos for retrieval which satisfy a predetermined condition of said similarity; and

means for extracting an image similar to a query image out of said frame images which are grouped at every group.

The present invention provides an image retrieving method which retrieves a similar image in unit of a frame by controlling the number of candidate similar images. More specifically, a similarity between a frame image of subject motion videos for retrieval and a query image is calculated, and frame images of the subject motion videos for retrieval which satisfy a predetermined condition of the similarity are grouped together, and an image similar to a query image out of the frame images which are grouped within every group is extracted based on the similarity. For example, frame images of subject motion videos for retrieval

which are continuous in time are grouped as shown in the specification (line 26 in page 16 - line 5 in page 17).

The newly submitted claims emphasis the above features.

Hori is in fact identical with the Laid-open Japanese Patent Publication No. 11-259061 which is disclosed in applicant's specification in the heading "Description of the Related Art" , page 2. Hori does not disclose "grouping frame images of subject motion videos for retrieval which satisfy a predetermined condition of said similarity" and "extracting an image similar to a query image out of said frame images which are grouped at every group" as underlined in the above reproduced copy of newly submitted claim 22.

Similar limitations appear in corresponding independent method claim 29.

Since the above limitations are not found in the primary nor secondary references, It is thus submitted that the PTO has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103, and thus applicants claims are patentable over the prior art.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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